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6
7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 NATHAN WHITE,
10 Plaintiff,

11 vs.

12 TK ELEVATOR CORPORATION f/k/a
13 THYSSENKRUPP ELEVATOR
CORPORATION; DOES I through X,
14 inclusive; and ROE BUSINESS ENTITIES I
through X, inclusive

15 Defendants.
16

CASE NO.: 2:21-cv-01696-ART-VCF

STIPULATION TO EXTEND
DISPOSITIVE MOTION DEADLINE
PURSUANT TO LR 26-3

(Seventh Request)

17
18 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Nathan White
19 (“White”) and Defendant TK Elevator Corporation f/k/a Thyssenkrup Elevator, by and through
20 their respective counsel, that the discovery deadlines of this matter be continued for a period of 39
21 days to allow the parties to complete dispositive motions. This is the parties’ seventh stipulation for
22 extension and is supposed by good cause.

23 A. **STATEMENT SPECIFYING THE DISCOVERY THAT HAS BEEN COMPLETED.**

24 The parties participated in the Fed. R. Civ. P. 26(f) conference on November 17, 2021, and
25 have served their initial Rule 26 Disclosures. The following is discovery that has been completed:

- 26 1. Defendant TKE served its Initial Rule 26 Disclosure on November 9, 2021.
27
28

2. Plaintiff served his initial Rule 26 Disclosure on December 7, 2021. Defendant TKE First Set of Request for Production of Documents to Plaintiff dated November 17, 2021.
3. Defendant TKE served its First Set of Interrogatories and Requests for Production of Documents on Plaintiff on November 17, 2021.
4. Plaintiff White's Responses to Defendants First Set of Interrogatories and Requests for Production of Documents were served on January 4, 2022.
5. Plaintiff served his First Set of Interrogatories, Requests for Admission and Requests for Production on Defendant TKE on December 8, 2021.
6. Defendant TKE's Responses to Plaintiffs First Set of Interrogatories, Requests for Production and Requests for Admission were served on January 26, 2022.
7. Defendant's First Supplement to FRCP 26 Disclosures was served on January 25, 2022.
8. Defendant TKE's Supplemental Responses to Plaintiff's Request for Production of Documents were served on February 7, 2022.
9. Defendant TKE's Second Supplement to FRCP 26 Disclosures was served on March 15, 2022.
10. Defendant TKE's Second Supplemental Responses to Plaintiffs First Set of Request for Production were served on March 16, 2022.
11. Defendant TKE's Supplemental Responses to Plaintiff's Interrogatories were served on March 29, 2022.
12. The deposition of Plaintiff Nathan White was conducted on April 5, 2022.
13. Defendant TKE's Third Supplement to FRCP 26 Disclosures was served on April 13, 2022.
14. The inspection regarding subject elevator occurred on May 3, 2022.
15. Defendant TKE's Second Set of Requests for Production were served on May 5, 2022.
16. Plaintiff's Responses to Defendant's Second Set of Requests for Production were served on June 20, 2022.

- 1 17. Defendant TKE's Fourth Supplement to FRCP 26 Disclosures was served on May 24,
2 2022.
- 3 18. Defendant TKE's Sixth Supplement to FRCP 26 Disclosures was served on July 27,
4 2022.
- 5 19. Defendant TKE's Errata to Sixth Supplement to FRCP 26 Disclosures was served on
6 July 27, 2022.
- 7 20. Defendant TKE's Seventh Supplement to FRCP 26 Disclosures was served on August
8 16, 2022.
- 9 21. The deposition of Brandon Fowles was conducted on August 17, 2022.
- 10 22. Defendant TKE's Eighth Supplement to FRCP 26 Disclosures was served on
11 September 6, 2022.
- 12 23. The deposition of Naresh Singh, M.D was conducted on September 7, 2022.
- 13 24. Plaintiff's Disclosures of Expert Witnesses on October 20, 2022.
- 14 25. Defendant TKE's Disclosures of Expert Witnesses on October 20, 2022.
- 15 26. Defendant's Third Set of Requests for Production to Plaintiff were served on
16 November 8, 2022.
- 17 27. Defendant TKE's Ninth Supplement to FRCP 26 Disclosures dated November 15,
18 2022.
- 19 28. Plaintiff's Disclosure of Rebuttal Expert Witnesses on November 21, 2022.
- 20 29. Defendant TKE's Disclosure of Rebuttal Expert Witnesses on November 21, 2022.
- 21 30. Defendants First Supplemental Disclosure of Rebuttal Expert Witnesses dated
22 November 28, 2022.
- 23 31. Plaintiff's responses to Defendant's third set of Requests for Production on December
24 14, 2022.
- 25 32. Defendant TKE's Tenth Supplement to FRCP 26 Disclosures dated March 16, 2023.
- 26 33. The deposition of Robert Squyres was conducted on March 13, 2023.
- 27 34. The deposition of the NRCP 30(b)(6) for the Cosmopolitan Hotel was conducted on
28 March 15, 2023
35. The deposition of Jennifer Yturalde was conducted on April 11, 2023.

36. The deposition of Jamie Cichon, MD. was conducted on April 19, 2023.
37. The deposition of Sherry Latham, RN was conducted on May 10, 2023.
38. The deposition of John Koshak was conducted on May 19, 2023.
39. The deposition of Chris Reyes was conducted on May 23, 2023.
40. The deposition of John Halpren, PE was conducted on June 19, 2023.
41. The deposition of Richard Cestwoski was conducted on July 3, 2023.
42. The deposition of Naresh Singh, MD. was conducted on July 11, 2023.
43. The deposition of Stan Smith, Ph.D. was conducted on July 13, 2023.
44. The deposition of Scott Manthei, MD. was conducted on July 18, 2023.
45. The deposition of Cosmopolitan Employee Derrick LaFleur was conducted on August 30, 2023.
46. The deposition of Corporate Representative of Defendant TKE was conducted on October 23, 2023.

B. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE COMPLETED.

None.

C. REASONS WHY THE REMAINING DEADLINE WAS NOT COMPLETED WITHIN THE DEADLINES CONTAINED IN THE AMENDED DISCOVERY SCHEDULING ORDER

Local Rule 26-3 provides that a stipulation to extend discovery deadlines must be supported by a showing of good cause. The parties represent that good cause exists for the Court to grant this stipulation.

Good cause exists. This case involves complex liability issues of negligence and strict product liability and complex medical issues, including Plaintiff's claim of a permanent and disabling pulmonary injury.

The parties have completed all discovery in this case. Currently the remaining deadline is for dispositive motions which are to be filed by November 24, 2023 (this deadline was inadvertently scheduled on a holiday).

During a recent telephone call, the parties were discussing certain motions they would be filing and discussing issues which could possibly be agreed upon, however because of the upcoming holiday season and various pre-booked holiday travels the parties agree that completing the motions prior to the current deadline is difficult.

For these reasons, the parties are requesting an extension of the dispositive motion deadline by thirty-nine (39) days.

D. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.

It is requested that all remaining discovery deadlines in this case be continued as follows:

<i>Discovery</i>	<i>Current Deadline</i>	<i>Proposed Deadline</i>
Dispositive Motions	November 24, 2023	December 29, 2023
Pre-trial Order	December 26, 2023	January 26, 2024

If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

DATED this 20th day of November, 2023.

DATED this 20th day of November, 2023.

SHOOK & STONE, CHTD.

ROGERS, MASTRANGELO, CARVALHO
& MITCHELL

/s/ John B. Shook, Esq.

/s/ Rebecca Mastrangelo, Esq.

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Attorney for Defendant

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: 12-1-2023

Kiana A. O'Day

From: Rebecca Mastrangelo <rmastrangelo@rmcmlaw.com>
Sent: Monday, November 20, 2023 2:15 PM
To: Kiana A. O'Day
Subject: RE: Stipulation to Extend-Seventh Request (002).doc

Thanks. You can e sign this version of the stip for me.

Rebecca

From: Kiana A. O'Day <KO'Day@shookandstone.com>
Sent: Monday, November 20, 2023 2:03 PM
To: Rebecca Mastrangelo <rmastrangelo@rmcmlaw.com>
Subject: RE: Stipulation to Extend-Seventh Request (002).doc

Yes it just came through. Sorry about that our network is slow today. See attached.



Kiana A. O'Day | Paralegal

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From: Rebecca Mastrangelo <rmastrangelo@rmcmlaw.com>
Sent: Monday, November 20, 2023 2:01 PM
To: Kiana A. O'Day <KO'Day@shookandstone.com>
Subject: RE: Stipulation to Extend-Seventh Request (002).doc

My prior email asked to remove the word discovery from the title since we are not extending discovery; and also to state that we are asking for 39 days extension.

From: Kiana A. O'Day <KO'Day@shookandstone.com>
Sent: Monday, November 20, 2023 1:58 PM
To: Rebecca Mastrangelo <rmastrangelo@rmcmlaw.com>
Subject: RE: Stipulation to Extend-Seventh Request (002).doc

Sorry I made the 30 days later in the pleading but did not change the 60 on the first page.